

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JOSHUA TRAVIS DAMERON,
Plaintiff,

v.

MICHAEL J. ASTRUE,
Commissioner of Social
Security,
Defendant.

No. CV-12-355-JPH

ORDER GRANTING JOINT MOTION
TO AMEND ORDER AND JUDGMENT

BEFORE THE COURT is the parties' joint motion to amend the Court's judgment entered on July 30, 2012, **ECF No. 13**, pursuant to Fed. R. Civ. P. 59(e). The Court remanded this case to the Commissioner for further administrative proceedings, ECF No. 11, pursuant to **sentence six** of 42 U.S.C. § 405 (g) because significant portions of the May 19, 2011 hearing are inaudible. The parties consented to the magistrate judge's jurisdiction, ECF No. 7.

David Lybbert represents plaintiff. Special Assistant United States Attorney Daphne Banay represents defendant. The parties consented to proceed before a magistrate judge, ECF No. 7.

After considering the joint motion, ECF No. 13,
IT IS ORDERED that the motion is GRANTED. The judgment entered on July 30, 2012, **ECF No. 12** is VACATED. The order granting remand, **ECF No. 11**, is AMENDED. The case is REMANDED pursuant to sentence

1 **six** of 42 U.S.C. § 405(g) for further administrative proceedings.
2 Upon receipt of this Order, the Appeals Council will remand the
3 case to an ALJ for a de novo hearing.

4 **IT IS FURTHER ORDERED:**

- 5 1. The Court retains jurisdiction in this case.
6 2. A de novo hearing will be held.
7 3. The District Court Executive is directed to enter this
8 Order and forward copies to the parties.

9 **IT IS SO ORDERED.**

10 **DATED** this 16th day of August, 2012.

11
12 s/James P. Hutton
13 JAMES P. HUTTON
14 UNITED STATES MAGISTRATE JUDGE
15
16
17
18
19
20
21
22
23
24
25
26
27
28